

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1467 – SB 1637**

January 19, 2018

**SUMMARY OF BILL:** Creates a new Class C felony for reckless endangerment if a person discharges a firearm into certain lawfully assembled groups of 25 or more people.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$460,300 Incarceration\***

Assumptions:

- Tennessee Code Annotated § 39-13-103 prohibits any person from recklessly engaging in conduct that places or may place another in imminent danger of death or serious bodily injury. Reckless endangerment is a Class A misdemeanor unless committed with a deadly weapon, in which case it is a Class E felony.
- Discharging a firearm into a parade, religious service, concert, athletic event, political event, education event, or into any other groups of 25 or more people that are lawfully assembled will constitute a Class C felony under the proposed legislation.
- Statistics from the Department of Correction (DOC) show an average of 131.5 admissions per year for reckless endangerment Class E felony offenses in each of the past 10 years.
- It is assumed that 10 percent ( $131.5 \times 0.1 = 13.15$ ), or 13 admissions, of the current Class E felony offenses will be enhanced to a Class C felony by the legislation.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 2 ( $13 \times .1178$ ) additional Class C felony admissions for a total of 15 ( $13 + 2$ ).
- The average time served for a class C felony is 3.28 years. The average time served for a Class E felony is 1.31 years.
- Offenders currently serving time for a Class E felony would serve an additional 1.97 years ( $3.28 - 1.31$ ) for a Class C felony under the proposed legislation.
- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this proposed legislation. It is assumed that the re-

offender would have committed the subsequent offense at the same felony level as under current law (15 offenders x .417 = 6 offenders).

- According to the DOC, the average operating cost per offender per day for FY17-18 is \$71.08.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders (15 offenders – 6 recidivism discount) serving 1.97 years (719.54 days) at a cost of \$51,145 (\$71.08 x 719.54 days) per offender. The total cost for nine offenders is \$460,305 (\$51,145 x 9).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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